

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEONNE R. NEW-HOWARD	:	CIVIL ACTION
	:	
v.	:	
	:	
ERIK SHINSEKI, SECRETARY of the	:	
DEPARTMENT OF VETERANS AFFAIRS,	:	No. 09-5350
et al.	:	

ORDER

AND NOW, this AND NOW, this 21st day of June 2012, upon consideration of Defendant's Motion for Summary Judgment (Doc. No. 56), Plaintiff's Response Thereto (Doc. No. 72), Defendant's Reply Brief (Doc. No. 79), Plaintiff's Response in Opposition to Defendant's Reply (Doc. No. 84), Defendant's Statement/Supplemental Brief Regarding Plaintiff's Age and Disability Discrimination Claims (Doc. No. 91), Plaintiff's Motion for Summary Judgment (Doc. No. 97), and Plaintiff's Memorandum of Law in Support of Motion for Partial Summary Judgment (Doc. No. 98), it is hereby ORDERED as follows:

1. Defendant's motion is GRANTED IN PART and DENIED IN PART.
2. Plaintiff's Cross-Motion for Summary Judgment (Doc. No. 97) is DENIED.
3. Consistent with the text of the Memorandum, the matter is REMANDED to the MSPB solely for the limited purpose of making findings regarding the denial of Plaintiff's requests for sick leave.
4. The Clerk of Court is directed to close this case for statistical purposes.

BY THE COURT:

/s/ Legrome D. Davis

Legrome D. Davis, J.